1892-93
(L.R)

File NO 71 of 92
Serial No 3-7

Sub: Restoration of a minor Tank in Bedarahalli, Nelamangala Taluk

G. R. S. IX-5]

Previous references.

84 1-2

1892-93
~~191~~ ?

(2 R)

Later references.

File No. 1/892

Serial Nos. 3-7

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3-7

Major ~~Part~~ B for June 84.

SUBJECT.

Restoration of minor tank in Bedarhalli, Kelamangala taluk

W D 88—GPB—50,000—24-7-16

Indexed

(13)

CHIEF SECRETARY'S OFFICE.

19
1892

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Restoration of a minor irrigation tank of Bedarhalli, Nalmangala Taluk.

LAST REFERENCE. Letter No. 872 dated 3rd March 1893 from the Deputy Commissioner, Bangalore District.

No one to answer this office note in such a case. It merely briefly paraphrases the Deputy Commissioner's letter

—oo—

In the above letter, the Deputy Commissioner brings to the notice of Government that the above tank breached on the 29th June 1892, accidentally on account of heavy fall of rain. The ryots

owning lands under the tank had lately recently done Earth-work costing more than Rs 200. The required stone work was omitted to be carried out in time, and there was the breach referred to above - ~~It is attri-~~ : ~~butable to the stone work not having been executed~~ - The ryots refused to fill in the breach when required to do so, on the plea that they had done a good deal of Earth-work before - The Amildar had the breach filled in by a Contractor at a

Cost of Rs 83, out of which
Rs 23 is said to have
been Collected from
Some of the Ryots. The
other ryots refused to
pay the remainder
An Estimate for stone
work amounting to Rs
144 is under check
in the Deputy Comm's
Office. The actual of
the bank appears to
be about 117 acres
the revenue derived
therefrom being Rs
101 3/4. The Deputy
Commissioner states
that in a similar case
the Cost of filling in
the breach was ordered
to be borne by
Government, (Rs 4
date of Government

order not given. The Deputy Commissioner probably alludes to the case of Bannegere Muniswami (which is in the Chennapatam Taluk) and asks for extension of the same concession to the present case, as the breach was due to non-execution of stone work in time.

The questions raised by the Deputy Commissioner are:—

(1) Whether the ryots can be held liable to pay the cost of filling in the breach, or they should be exonerated?

(2) If they can be held liable, can the balance of the cost of Earth-work be recovered under Section 193 of the Revenue Code?

(1) O.M.D. notification no 65 dated 2.10.73, (paras 4 & 5) has reference to tanks brought upto standard & handed over to rypts for upkeep

(2) Proceedings no 645 of 25.4.74,- In Conclusion of the last para it is stated that in case of an emergency all the residents can be pressed for labour

(3) Proceedings no 4312-969 dated 3.11.93 (para 1) deals with ordinary repairs & restoration of ruined tanks.

(Tlem no 2869/92-93)

The records in the similar case referred to by the Deputy Commissioner are put up. (vide para (3) above Govt Lr no 13163/1641 dt 28/Jan/93)

Submitted for orders.

Thiruvenkadam

AS 21/7/93

(General Serial No. 30.)

1892-93

From The Dy Commrs Rec 2478
Bangalore District

To

The Chief Secretary to the Dewan
of Mysore.

Serial No.

Dated 3rd March 1893.

Despatched

Received

Enclosures No.

General No.
D No. 872.

~~*In reply to*~~

SUBJECT.

Requesting orders in connection with the recovery from Ryots of the cost of filling in of sudden breaches of Tanks

Rev. Imm
4/3
4/3

References (to be entered only in the Dewan's Office).

~~Rec'd.~~

~~4-3-93~~

Under the circs reported the unrecovered balance of the cost of filling the breach shd be added to the Estte of Cost of Repairs to Tanks in question &c.
20.6-94.

25-6-95

Rec'd
30/5 93

Rec'd
30/5

Read
4/3

(13)

No. 872. Dy Commrs Office
Bangalore District
Dated 3rd March 1893.

To

The Chief Secretary to the Dewan
of Mysore

Sir, I have the honor to solicit the orders of the Government in the following case.

The Minor Irrigation tank of Bedarhalli in the Nelamangala Taluk breached on the 29th June 1892, accidently, owing to heavy fall of rain. The ryots owning lands under the tank had but recently done the earth work, costing more than 200 Rs, which was required to restore the tank to the Standard condition of efficiency and the Amildar at the time of the accident had not prepared the estimate for the stone-work required. The breach might be

attributed to the Stone work not having been done. The ryots who had, as stated above, done a considerable amount of earth work refused to fill the breach: to prevent further damage, the Amildar had the breach filled by a Contractor, the estimated cost being Rs: 83-0-0, of which Rs: 23-0-0 have been since collected from some of the ryots, while the others have refused to pay the remainder. The estimate for the Stone work amounting to Rs: 144/. is received and is under check. The Achukat of the Tank is 117¼ Rs. and the present Revenue is :: 101¾ Rs.

In a similar case the Government has ruled that the filling of the breach should have been done by the ryots but as it was

(General Serial No. 30.)

1878
1893-94

From The Dy Commissioner
Bangalore District

Section A
File No 1/12 To
Serial No. 1

The Chief Secretary to the Dewan of Mysore.

Dated 10th } August 1893
Despatched 12th }

Received

Enclosures No. 3.

General No.
D No. 153.
Bangalore Dy Commr's No. 872 dated 3rd March 1893.
In reply to

SUBJECT.

Brings to notice that the Ryots plead their inability to do the earth work in repairing the Nellagunte Tank Devanhally Taluk, and solicits orders in the matter.

R.

Ref. Mem
Hon Dewan's 12/8
Discuss with the Dy Cr

References (to be entered only in the Dewan's Office).

Vide no 22873-87 & 22/6/94
R7286-92

Order

1) The general rule is that when Ryots concerned refuse to do earth work to a tank requiring to be repaired, its repair by Govt ~~can be undertaken only when~~ at its own expense Cart can be undertaken only in the indefinite future.

2) Whenever the Ryots are willing to do the earth work the Govt will at once do any masonry & Stone works req^d.

3) In the case of minor tanks the Ryots duty for annual maintenance shd be duly Enforced, So that a tank needing repair shd not become worse & worse year after year, from want of the ordinary

Recd 14/8

Annual maintenance

4) Where such annual maintenance is regarded as insufficient for the safety of tanks below or of a Railway line the Dep. Comm. shd. bring the matter to the notice of the E.E. at the same time forwarding a Copy of his opinion to the ~~Chief Engr.~~ Secy. D.P.W. Thereupon the D.P.W will make enquiry & decide if the repair shd. be at once taken in hand as an Exception to the ordinary rule (See para above), for the safety of other Govt. tanks or the Railway line, and needful action will follow such decision

5). In the case of the Intelligence tank the subject of the present

Copy to Dep. Comm. (with Share Copies for disposal)
— do all Dep. Comrs (with Share Copies for disposal)

Pant-

(Reference, the Dep. Comm. will follow the rule laid down in the last preceding para.

Revenue Branch.
Submit with the reports quoted
Early. Mrn
26/8/93
Mrn

(15)

(General Serial No. 30.)

189 3. 2649
28
D R661

From

The Dy Commissioner
Bangalore District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 23rd
Despatched 24th } August 1893
Received

Enclosures No. 1

General No.
D No. 245.

This Office No: 153, dated 10th instant, soliciting instructions as to what should be done when the Ryots refuse to execute earth-work.

In continuation of the above, has the honor to forward the enclosed copy of the Bangalore Division Executive

Sec'd 28/8

31 No. 1878
K U 89
Sent Revs Vide on 16/8/93

Executive Engineer's No: 3559/1195, dated 9th instant, and
its accompaniment regarding the repairs to Nagenahally Tank in the Doddaballapur Taluk, and to
solicit the favour of early orders on the reference quoted
above.

for Dy Commissioner

1893.

From

The Executive Engineer

Bangalore Division.

To

The Deputy Commissioner

Bangalore District

Dated 9th August 1893.

No. 3559/1195 Enclos. 1 file 1 docket

2

Deputy Commissioner's No. 153 of 19th Ultimo, regarding repairs of Kugonchully Tank, Dodda Ballapur Taluk.

In returning the file of papers received with the above, has the honor to forward for information copy of Chief Engineer's No. 3483 of 7th current on the subject.

(Signed) Arunachellam

Asst: Executive Engineer.

Bangalore Division.

No. 3483.

Encls Deputy Commr's No. 153 of 19.7. with file. From The Chief Engineer of Mysore.

To The Executive Engineer.

Bangalore Division

Dated 7th August 1893.

Subject.

His No. 3300/415 dated 24th Ultimo, submitting

for orders by Commissioner's No. 153 dated 19th Idem, regarding repairs of Kuganahally Tank Registered No. 141 of Dodda Ballapur Taluk.

In returning the original enclosures received with the above, has the honor to inform the Executive Engineer that the repairs of Kuganahally Tank cannot be undertaken at Government cost.

II. The Tank under reference was restored by the late Irrigation Department in 1874, at a cost of Rs 815/. (of which ryots contributed Rs 171/.) and it was formally handed over to the Revenue Department for up-keep by the ryots. Under the maintenance Rules, the ryots are bound to maintain this Tank, and if they refuse to do so, the Dy Commissioner can carry out the necessary work, recovering value of same as a Revenue demand. The question as to whether a Tank is a Major or a minor one need not be considered in the case of restored Tanks, which ryots are bound to maintain under the rules in force. The proposal in Dy/Commissioner's docket and enclosure

would be a compromise and should not be adopted.

III. The Dy Commissioners attention should be called to the printed correspondence regarding the minor tanks Restoration scheme (vide this Office Circular No 102 dated 21st September 1886), in which the limit of Rs 300/- fixed for minor tanks is based upon the actual average revenue realized during the last 10 years, and not on the assessed Revenue.

/Signed/ W. McC. Hutchins.
Asst Chief Engineer
of Mysore P.W.D.

"Copy"

Waingallcan

Jr Dy Commissioner

AB

(15)

Draft

Section
File No 1492
Serial No 15

To be printed and circulated to all Dep.y Com.rs & Executive Engineers.

Read:—

Letter No. 153 of 10th August 1893, from the Deputy Commissioner, Bangalore District, pointing out the necessity for early repairs to Nelligunte tank, Registered No. 82, the revenue of which is less than Rs. 300/-, with a View to ensure the safety of Kolatoor tank situated below it, and stating that the Ryots whose duty it is to undertake the

said repairs, plead

their inability to do so

order thereon :—

No 22873-81 / R.T. 286-92 dt 22.6.94 / 27

The General rule

is that when the Ryots con-

cerned refuse to do

earth work to a minor

tank requiring to be

repaired, its repair by

Government at its own

exclusive cost can be

undertaken only in the

indefinite future.

2. Whenever the Ryots

are willing to do the

earth-work, the Govt.
will at once do any
masonry and stone
work required.

3 In the case of
minor tanks the Ryots"
in regard to
duty ~~for~~ annual main
-tenance should be
duly enforced, so that
a tank needing repair
should not become
worse and worse, year
after year, from want
of the ordinary an-
repairs
-nual maintenance.

4. Where such an-
-nual maintenance

is ~~required~~ regarded as in-
sufficient for the safety
of banks below, or of
a Railway line, the
Deputy Com^r should
bring the matter to the
notice of the Executive
Engineer, forwarding
at the same time, a
copy of his opinion to
the Secretary to the Govt.
P. W. D. Thereupon the
D. P. W. will make care-
ful enquiry and
decide if the repair
should be at once
taken in hand as an

(15)

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 22nd June 1894.

READ :— (S 20 14)

Letter No. 153, dated 10th August 1893, from the Deputy Commissioner, Bangalore District, pointing out the necessity for early repairs to Nelligunte tank, Registered No. 82, the revenue of which is less than Rs. 300, with a view to ensure the safety of Kolatur tank situated below it, and stating that the raiyats whose duty it is to undertake the said repairs, plead their inability to do so.

No. 22873-81—R. F. 286-92, DATED, BANGALORE, 22ND JUNE 1894.

ORDER THEREON.—The general rule is that when the raiyats concerned refuse to do earth-work to a minor tank requiring to be repaired, its repair by Government at its own exclusive cost can be undertaken only in the indefinite future.

2. Whenever the raiyats are willing to do the earth-work, the Government will *at once* do any masonry and stone work required.

3. In the case of minor tanks, the raiyats' duty in regard to *annual* maintenance should be duly enforced, so that a tank needing repair should not become worse and worse year after year, from want of the ordinary annual repairs.

4. Where such annual maintenance is regarded as insufficient for the safety of tanks below, or of a railway line, the Deputy Commissioner should bring the matter to the notice of the Executive Engineer, forwarding at the same time, a copy of his opinion to the Secretary to the Government, Public Works Department. Thereupon the Department of Public Works will make careful enquiry, and decide if the repair should be at once taken in hand as an exception to the ordinary rule (see para 1 above), for the safety of other Government tanks or a railway line, and needful action will follow such decision.

5. In the case of the Nelligunté tank, the subject of the present reference the Deputy Commissioner will follow the rule laid down in the last preceding para.

T. ANANDA ROW,
Chief Secretary.

To—The Secretary to the Government of Mysore, Public Works Department, with spare copies for distribution to Executive Engineers.
The Deputy Commissioners of Districts, with spare copies for distribution.

Exd.—K.S.

(16)

1894.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 22*nd June* 1894.

No. 22873-81.
R. F. 286-92.

Laying down instructions for the maintenance and repair of minor tanks; and directing the Deputy Commissioner to follow them in the case of the Nelligúnté tank, Registered No. 82, in the Devanhalli Taluk.

M. G. C. P., Bangalore.—4-7-94.—120.

~~15~~ (17)

Read :-

Letter no. 872

dated 3d. March 1893

from the Deputy Comr

Bangalore Distt, reporting

upon the sudden breach

on 29th June 1892, of

a minor Irrigation

tank at Bedarahalli

in the Nelamangala

Taluk, owing to heavy

rains and of his having

collected from some

of the Ryots holding

lands under the tank

a small sum of Rs. 23/- towards the cost of repairs, notwithstanding the refusal of many of them to contribute any thing whatever for the purpose on grounds of their having but recently restored it to an efficient condition by the execution of earth work at an expense of over Rs. 200/-, and attributing the cause of the breach

to

No 22882-3
R.7.286-92 D 22.6.94 27

to the above work not having been done by Government in time

order thereon :—

Under the circumstances reported, the unrecovered balance of the cost of filling the breach should be added to the estimate of cost for restoring the minor bank in question

Chief Secretary

To

The Deputy Commr. Bangalore
Asst Secretary to the Govt. D.P.W.